

By:

Earliff Wentworth

5 .J.R. No. 26

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to compensation for state employees serving as members of local governing boards.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 40, Article XVI, Texas Constitution, is amended to read as follows:

Sec. 40. No person shall hold or exercise at the same time, more than one civil office of emolument, except that of Justice of the Peace, County Commissioner, Notary Public and Postmaster, Officer of the National Guard, the National Guard Reserve, and the Officers Reserve Corps of the United States and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and the officers and directors of soil and water conservation districts, unless otherwise specially provided herein. Provided, that nothing in this Constitution shall be construed to prohibit an officer or enlisted man of the National Guard, and the National Guard Reserve, or an officer in the Officers Reserve Corps of the United States, or an enlisted man in the Organized Reserves of the United States, or retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air

1 Force, Navy, Marine Corps, and Coast Guard, and officers of the /
2 State soil and water conservation districts, from holding at the
3 same time any other office or position of honor, trust or profit,
4 under this State or the United States, or from voting at any
5 election, general, special or primary in this State when otherwise
6 qualified. State employees or other individuals who receive all or
7 part of their compensation either directly or indirectly from funds
8 of the State of Texas and who are not State officers, shall not be
9 barred from serving as members of the governing bodies of school
10 districts, cities, towns, or other local governmental districts[
11 ~~provided,--however,--that--such--State--employees--or--other--individuals~~
12 ~~shall--receive--no--salary--for--serving--as--members--of--such--governing~~
13 ~~bodies~~]. It is further provided that a nonelective State officer
14 may hold other nonelective offices under the State or the United
15 States, if the other office is of benefit to the State of Texas or
16 is required by the State or Federal law, and there is no conflict
17 with the original office for which he receives salary or
18 compensation. No member of the Legislature of this State may hold
19 any other office or position of profit under this State, or the
20 United States, except as a notary public if qualified by law.

21 SECTION 2. This proposed constitutional amendment shall be
22 submitted to the voters at an election to be held November 2, 1999.
23 The ballot shall be printed to permit voting for or against the
24 proposition: "The constitutional amendment allowing state
25 employees to receive compensation for serving as a member of a
26 governing body of a school district, city, town or other local

____.J.R. No. ____

1 governmental district."

BILL ANALYSIS

Senate Research Center

S.J.R. 26
By: Ratliff
State Affairs
3/16/1999
As Filed

DIGEST

Currently, although state employees who receive compensation from the state serve as members of various local governing bodies, they are constitutionally prohibited from receiving direct compensation from the governing bodies they serve. This bill would allow state employees who receive compensation from the state to receive compensation from the governing bodies they serve.

PURPOSE

As proposed, S.J.R. 26 requires the submission to the voters of a constitutional amendment to allow state employees to receive compensation for serving as a member of certain governing bodies.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 40, Article XVI, Texas Constitution, to delete the provision that certain state employees are prohibited from receiving a salary for their services in certain government bodies.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held on November 2, 1999. Sets forth the required language for the ballot.

1-1 By: Ratliff, Wentworth S.J.R. No. 26
1-2 (In the Senate - Filed March 3, 1999; March 4, 1999, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 16, 1999, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 16, 1999, sent to printer.)

1-6 SENATE JOINT RESOLUTION

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1-8 state employees serving as members of local governing boards.

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1-14 the Peace, County Commissioner, Notary Public and Postmaster,
1-15 Officer of the National Guard, the National Guard Reserve, and the
1-16 Officers Reserve Corps of the United States and enlisted men of the
1-17 National Guard, the National Guard Reserve, and the Organized
1-18 Reserves of the United States, and retired officers of the United
1-19 States Army, Air Force, Navy, Marine Corps, and Coast Guard, and
1-20 retired warrant officers, and retired enlisted men of the United
1-21 States Army, Air Force, Navy, Marine Corps, and Coast Guard, and
1-22 the officers and directors of soil and water conservation
1-23 districts, unless otherwise specially provided herein. Provided,
1-24 that nothing in this Constitution shall be construed to prohibit an
1-25 officer or enlisted man of the National Guard, and the National
1-26 Guard Reserve, or an officer in the Officers Reserve Corps of the
1-27 United States, or an enlisted man in the Organized Reserves of the
1-28 United States, or retired officers of the United States Army, Air
1-29 Force, Navy, Marine Corps, and Coast Guard, and retired warrant
1-30 officers, and retired enlisted men of the United States Army, Air
1-31 Force, Navy, Marine Corps, and Coast Guard, and officers of the
1-32 State soil and water conservation districts, from holding at the
1-33 same time any other office or position of honor, trust or profit,
1-34 under this State or the United States, or from voting at any
1-35 election, general, special or primary in this State when otherwise
1-36 qualified. State employees or other individuals who receive all or
1-37 part of their compensation either directly or indirectly from funds
1-38 of the State of Texas and who are not State officers, shall not be
1-39 barred from serving as members of the governing bodies of school
1-40 districts, cities, towns, or other local governmental districts[
1-41 ~~provided, however, that such State employees or other individuals~~
1-42 ~~shall receive no salary for serving as members of such governing~~
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1-44 may hold other nonelective offices under the State or the United
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1-46 is required by the State or Federal law, and there is no conflict
1-47 with the original office for which he receives salary or
1-48 compensation. No member of the Legislature of this State may hold
1-49 any other office or position of profit under this State, or the
1-50 United States, except as a notary public if qualified by law.

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1-52 submitted to the voters at an election to be held November 2, 1999.
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1-54 proposition: "The constitutional amendment allowing state
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1-56 governing body of a school district, city, town or other local
1-57 governmental district."

1-58

* * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 26
By Ratliff
(Author/Senate Sponsor)
4/16/99
(date)

We, your Committee on STATE AFFAIRS, to which was referred the attached measure,
have on 4/15/99, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.
A fiscal note was requested. ☒ yes ☐ no
A revised fiscal note was requested. ☐ yes ☐ no
An actuarial analysis was requested. ☐ yes ☐ no
Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Shapiro, Chair	<input checked="" type="checkbox"/>			
Senator Shapleigh, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Bernsen	<input checked="" type="checkbox"/>			
Senator Brown	<input checked="" type="checkbox"/>			
Senator Cain	<input checked="" type="checkbox"/>			
Senator Haywood	<input checked="" type="checkbox"/>			
Senator Lucio	<input checked="" type="checkbox"/>			
Senator Nixon	<input checked="" type="checkbox"/>			
Senator Wentworth	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>9</u>			

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

B. Nottingham
COMMITTEE CLERK

Shapiro
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

WITNESS LIST

SJR 26
SENATE COMMITTEE REPORT
State Affairs Committee

April 15, 1999 - 12:30P

For: Chavez, Martha (Self), Round Rock

Owen, Melissa D. (Self & Allen City Council), Allen

Registering, but not testifying:

For: Carr, Snapper (Texas Municipal League), Austin

BILL ANALYSIS

Senate Research Center

S.J.R. 26
By: Ratliff
State Affairs
3/16/1999
As Filed

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

March 16, 1999

TO: Honorable Florence Shapiro, Chair, Senate Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SJR26** by Ratliff (Proposing a constitutional amendment relating to compensation for state employees serving as members of local governing boards.), **As Introduced**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$76,352.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Local Government Impact

The resolution could result in some cost to local government. The cost would depend on the number of members of local governing bodies who would receive compensation upon approval of the constitutional amendment and the amount of those salaries.

Source Agencies: 307 Secretary of State, 304 Comptroller of Public Accounts

LBB Staff: JK, SD, SG

.. April 22 1999 Engrossed

" Ratly Spaw
Engrossing Clerk

TO BE KEPT IN THE SENATE AND CORRECT
COPY TO BE KEPT IN THE HOUSE AS
OFFICIAL COPY OF THE CONSTITUTION

By: Ratliff, Wentworth
(Krusee)

S.J.R. No. 26

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9 Officer of the National Guard, the National Guard Reserve, and the
10 Officers Reserve Corps of the United States and enlisted men of the
11 National Guard, the National Guard Reserve, and the Organized
12 Reserves of the United States, and retired officers of the United
13 States Army, Air Force, Navy, Marine Corps, and Coast Guard, and
14 retired warrant officers, and retired enlisted men of the United
15 States Army, Air Force, Navy, Marine Corps, and Coast Guard, and
16 the officers and directors of soil and water conservation
17 districts, unless otherwise specially provided herein. Provided,
18 that nothing in this Constitution shall be construed to prohibit an
19 officer or enlisted man of the National Guard, and the National
20 Guard Reserve, or an officer in the Officers Reserve Corps of the
21 United States, or an enlisted man in the Organized Reserves of the
22 United States, or retired officers of the United States Army, Air
23 Force, Navy, Marine Corps, and Coast Guard, and retired warrant
24 officers, and retired enlisted men of the United States Army, Air
25 Force, Navy, Marine Corps, and Coast Guard, and officers of the

1 State soil and water conservation districts, from holding at the
2 same time any other office or position of honor, trust or profit,
3 under this State or the United States, or from voting at any
4 election, general, special or primary in this State when otherwise
5 qualified. State employees or other individuals who receive all or
6 part of their compensation either directly or indirectly from funds
7 of the State of Texas and who are not State officers, shall not be
8 barred from serving as members of the governing bodies of school
9 districts, cities, towns, or other local governmental districts[
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LBB Staff: JK, SD, SG

HOUSE COMMITTEE REPORT

1st Printing

By: Ratliff, Wentworth
(Krusee)

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10 Officers Reserve Corps of the United States and enlisted men of the
11 National Guard, the National Guard Reserve, and the Organized
12 Reserves of the United States, and retired officers of the United
13 States Army, Air Force, Navy, Marine Corps, and Coast Guard, and
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15 States Army, Air Force, Navy, Marine Corps, and Coast Guard, and
16 the officers and directors of soil and water conservation
17 districts, unless otherwise specially provided herein. Provided,
18 that nothing in this Constitution shall be construed to prohibit an
19 officer or enlisted man of the National Guard, and the National
20 Guard Reserve, or an officer in the Officers Reserve Corps of the
21 United States, or an enlisted man in the Organized Reserves of the
22 United States, or retired officers of the United States Army, Air
23 Force, Navy, Marine Corps, and Coast Guard, and retired warrant
24 officers, and retired enlisted men of the United States Army, Air
25 Force, Navy, Marine Corps, and Coast Guard, and officers of the

1 State soil and water conservation districts, from holding at the
2 same time any other office or position of honor, trust or profit,
3 under this State or the United States, or from voting at any
4 election, general, special or primary in this State when otherwise
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23 proposition: "The constitutional amendment allowing state
24 employees to receive compensation for serving as a member of a
25 governing body of a school district, city, town or other local
26 governmental district."

COMMITTEE REPORT

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

5-6-99
(date)

Sir:

We, your COMMITTEE ON STATE AFFAIRS

to whom was referred SJR 26 have had the same under consideration and beg to report back with the recommendation that it

- (☒) do pass, without amendment.
(☐) do pass, with amendment(s).
(☐) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
(☒) yes (☐) no A fiscal note was requested.
(☐) yes (☒) no A criminal justice policy impact statement was requested.
(☐) yes (☒) no An equalized educational funding impact statement was requested.
(☐) yes (☒) no An actuarial analysis was requested.
(☐) yes (☒) no A water development policy impact statement was requested.
(☐) yes (☒) no A tax equity note was requested.
(☐) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor KRUSSE, Mike

Joint Sponsors: / / /

Co-Sponsors:

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wolens, Chair	<input checked="" type="checkbox"/>			
Turner, S., Vice-chair			<input checked="" type="checkbox"/>	
Alvarado	<input checked="" type="checkbox"/>			
Bailey	<input checked="" type="checkbox"/>			
Brimer	<input checked="" type="checkbox"/>			
Counts	<input checked="" type="checkbox"/>			
Craddick	<input checked="" type="checkbox"/>			
Danburg		<input checked="" type="checkbox"/>		
Hilbert	<input checked="" type="checkbox"/>			
Hunter	<input checked="" type="checkbox"/>			
Jones, D.				<input checked="" type="checkbox"/>
Longoria	<input checked="" type="checkbox"/>			
McCall	<input checked="" type="checkbox"/>			
Marchant	<input checked="" type="checkbox"/>			
Merritt	<input checked="" type="checkbox"/>			

Total 12 aye
 1 nay
 1 present, not voting
 1 absent


CHAIR

BILL ANALYSIS

Office of House Bill Analysis

S.J.R. 26
By: Ratliff
State Affairs
4/29/1999
Engrossed

BACKGROUND AND PURPOSE

Currently, state employees who serve as members of various local governing bodies are constitutionally prohibited from receiving direct compensation from the governing bodies on which they serve. S.J.R. 26 requires the submission to the voters of a constitutional amendment allowing for certain state employees or other individuals to receive compensation for serving as members of certain governing bodies.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 40, Article XVI, Texas Constitution, to delete the provision prohibiting certain state employees or other individuals from receiving a salary for serving as members of certain local governing bodies.

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SUMMARY OF COMMITTEE ACTION

SJR 26

May 6, 1999 upon adjournment
Considered in formal meeting
Reported favorably without amendment(s)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

May 9, 1999

TO: Honorable Steven Wolens, Chair, House Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SJR26** by Ratliff (proposing a constitutional amendment relating to compensation for state employees serving as members of local governing boards), **As Engrossed**

No fiscal implication to the State is anticipated, other than the cost of publication. The cost to the state for publication of the resolution is \$76,352.

Local Government Impact

The resolution could result in some cost to local government. The cost would depend on the number of members of local governing bodies who would receive compensation upon approval of the constitutional amendment and the amount of those salaries.

Source Agencies: 307 Secretary of State, 304 Comptroller of Public Accounts

LBB Staff: JK, BB, SD, SG

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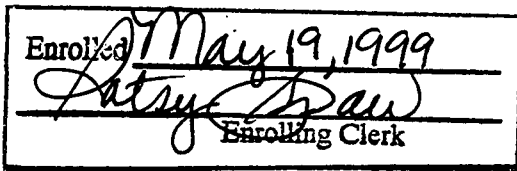
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S.J.R. No. 26

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 26 was adopted by the Senate on April 22, 1999, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 26 was adopted by the House on May 18, 1999, by the following vote: Yeas 144, Nays 1, one present not voting.

Chief Clerk of the House

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

May 9, 1999

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LBB Staff: JK, BB, SD, SG

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Chief Clerk of the House

S.J.R. No.

26

By

Lally

SENATE JOINT RESOLUTION

Proposing a constitutional amendment relating to compensation for state employees serving as members of local governing boards.

MAR 03 1999

Filed with the Secretary of the Senate

MAR 04 1999Read and referred to Committee on STATE AFFAIRSAPR 16 1999

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

APR 22 1999

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

____ years, ____ nays

APR 22 1999

Read second time, _____, and ordered engrossed by:

unanimous consent

____ years, ____ nays

APR 22 1999Senate and Constitutional 3 Day Rule suspended by a vote of 28 yeas, 1 nays.APR 22 1999Read third time, _____, and passed by: 29 yeas, 0 nays

OTHER ACTION:

April 22, 1999

Engrossed

April 23, 1999

Sent to House

Engrossing Clerk

Ratay GrawAPR 23 1999

Received from the Senate

APR 26 1999

Read first time and referred to Committee on

State AffairsMAY 06 1999Reported _____ favorably (~~as amended~~) (~~as substituted~~)MAY 11 1999

Sent to Committee on Calendars

MAY 18 1999Read second time (~~comm. subst.~~) (~~amended~~) and adopted (~~passed to third reading~~) by a record vote of 144 yeas, 1 nays, 1 present, not voting

Read third time (amended) and finally adopted (failed of adoption) by a record vote of _____ yeas, _____ nays, _____ present, not voting

MAY 19 1999

Returned to Senate.

Sharon Carter

CHIEF CLERK OF THE HOUSE

MAY 19 1999

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays